

Amendment  
Serial No. 10/684,881

### REMARKS

Claims 1-7 are pending in the application. Claims 6-7 have been cancelled. Claims 1 and 4 have been amended of which claims 1 and 4 are independent claims.

Claims 1 and 4 stand rejected under 35 U.S.C. '102(e) as allegedly being anticipated by Unitt *et al.* (U.S. Pub. 2005/0163149) ("Unitt").

In response, claim 1 has been amended incorporate features cited in claim 6 and thus recites "...wherein each of the transmission in progress state variables indicates whether a corresponding MAC client is transmitting data or not." Similarly, claim 4 has been amended to recite features cited in claim 6. As these base claims merely incorporate features cited in previously added dependent claims and have been considered by the examiner, applicant respectfully notes that it does not require further search to consider the newly amended base claims.

In response to applicant's previous position that Unitt is not configured to receive transmission in progress state variable from the OMP blocks or to determine transmission states of the MAC client, the Office Action, in item 3, indicates that "Unitt clearly discloses head end medium access logic 116 (e.g., equivalent to a multipoint grating control block) receiving command frames marshal control from outstation 12(i.e., equivalent to OMP block), see abstract,...".

However, applicant respectfully submits that "command frames" is not transmitted from "outstation 12" as indicated by the Office action in Unitt, but instead transmitted from "head end 11". For example, the abstract of Unitt discloses that "The head end is arranged to transmit downstream to the outstations a sequence of frames comprising data frames and command frames. The command frames marshal control of upstream transmissions from the

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outstations." Also, paragraph <0029> of Unitt discloses the expression "*the head end has means for marshalling upstream communications from the outstations via the transmission of downstream commands.*" Accordingly, applicant respectfully submits that the Office Action wrongfully equate Unitt to the present invention.

Moreover, paragraphs <0064> and <0126>~<0130> of Unitt discloses "the send pause request" and "the burst delimiter message". However, Unitt does not disclose that "the send pause request" and "burst delimiter message" indicate whether a corresponding MAC client is transmitting data or not, as recited in the base claims.

As to "the send pause request", "the remote station to be paused" can not send "the send pause request" in Unitt as it discloses "[0064] ...*medium access logic for a communications network arranged...at a second port to cause a command to be sent to a remote station to pause transmission for a time period responsive thereto.*" Here, it is clear that "the send pause request doesn't indicate whether the remote station is transmitting data or not", as recited in the base claims.

Regarding "the burst delimiter message", it is clear that "the burst delimiter message doesn't indicate whether the outstation is transmitting data or not" in Unitt as it discloses "[0126] ...*The burst delimiter may be sent upon completion of the currently allocated time slot (or at the beginning of an allocated time slot).*"

Accordingly, Unitt fails to show or teach all features cited in the amended base claims. Thus, applicant respectfully requests withdrawal of the rejection on each claim.

Other claims in this application are each dependent on the independent claims 1 and 4 and believed patentable for the same reasons. Since each dependent claim is also deemed to

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define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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